IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.17 OF 2005
IN
NOTICE OF MOTION NO.81 OF 2004
IN
NOTICE NO.N/59 OF 2004

Ashwin Jayakrishna Somaiya .. Appellant.
V/s.
Rajan A. Ruvala & Others .. Respondents.

APPEAL NO.148 OF 2005
IN
NOTICE OF MOTION NO.99 OF 2004
IN
NOTICE NO.N/59 OF 2004

Kiran Ranchhoddas Ganatra .. Appellant.
V/s.
Rajan A. Ruvala & Others .. Respondents.

APPEAL NO.149 OF 2005
IN
NOTICE OF MOTION NO.100 OF 2004
IN
NOTICE NO.N/59 OF 2004

Kiran Ranchhoddas Ganatra .. Appellant.
V/s.
Rajan A. Ruvala & Others .. Respondents.

Mr.A.Y. Bookwala i/b. Tushar Garodia for the appellants.

Mr.Carl Shroff i/b. Dhru & Co. for the respondent.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 6TH JULY, 2005.

P.C. :

During the course of motion hearing, Mr.A.Y. Bookwala, the learned counsel for the appellants submitted that the appellants are desirous of making

full payment due under the decree dated 16.10.1997. The learned counsel submitted that in three equal instalments commencing from the month of August 2005, the appellants shall make payment of the due amount under the said decree.

2. The learned counsel for the original judgment creditors, however, submitted that the submission made by the learned counsel for the appellants is intended to mark time and that the appellants do not intend to pay the due amount under the decree to the judgment creditors.

3. To test the bona fides of the appellants as to whether they are really serious in making due payment under the decree to the original judgment creditors, we asked the learned counsel whether the appellants are ready and willing to pay a sum of Rs.10,00,000/- to the original judgment creditors within two weeks from today. The learned counsel, after taking instructions, submitted that the payment of Rs.10,00,000/- towards the outstanding amount under the said decree shall be made to the original judgment creditors within two weeks from today.

4. We, accordingly, direct the appellants to pay a sum of Rs.10,00,000/- directly to the original

judgment creditors by way of Demand Draft or bankers cheque within two weeks from today.

5. The appeals be posted for admission thereafter.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)